



To: All DCPS Employees
From: Michelle Rhee
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Subject: 07-09 Compliance Reminder – Family Educational Rights and Privacy Act (FERPA)

We at DCPS all share responsibility to safeguard students' academic and personal records while still making them accessible to students' parents and guardians.

Under the Family Educational Rights and Privacy Act ("FERPA"), a school district risks losing all federal funding if it does not keep student records private. A district risks the same penalties if it does not allow parents the right to inspect their children's records, or students who are 18 or older the right to inspect their own records. The law covers every record that identifies a student and that DCPS maintains. FERPA even applies to records that do not include student names if a person looking at the records could deduce the students' identities from the information provided.

In general, only DCPS employees who need student records to perform their jobs should gain access to them, unless a parent (or student if 18 or older) has given **written, signed and dated permission** for further disclosures. Properly trained volunteers and independent contractors who work in a school may access student records to the extent necessary to perform their work, but only after they are instructed not to share any student information with others who do not otherwise have access. **Under no circumstances should students have access to other students' records.**

Common FERPA Issues

FERPA rules are not intuitive. The following examples illustrate how FERPA issues can arise:

- **Students grading other students' papers:** Students may "peer grade" each other's assignments while a teacher reads out answers to the class. Students should not, however, be asked to grade an entire set of papers for a teacher.
- **Who is a "parent"?:** Non-parental guardians and other individuals who act as parents in the absence of a parent or guardian are considered parents under FERPA and are entitled to full access rights. Further, even if only one parent has custody of a student, both parents retain full rights under FERPA unless DCPS has a court order or other legal document revoking parental rights.
- **Transportation of records:** The increasing use of flash drives, Google Documents and e-mail has multiplied the opportunities for student information to fall into the wrong hands. DCPS employees transferring student records to flash drives or Google Documents or sending student records via e-mail must be especially careful and should report any potential privacy breaches immediately.

Resources

To learn more about FERPA, visit [the U.S. Department of Education](http://www.ed.gov).

Questions? Comments? Concerns?

If you suspect a FERPA violation or are unsure how to deal with an issue related to student records, contact the Office of the General Counsel at 202-442-5000.